

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re: ) Chapter 11  
FORESIGHT ENERGY LP, *et al.*, ) Case No. 20-41308-659  
 )  
Debtors. ) (Jointly Administered)  
 )  
 )  
 ) Hearing Date: May 14, 2020  
 ) Hearing Time: 10:00 a.m. (Central Time)  
 ) Hearing Location: Courtroom 7 North

**RESPONSE OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
REGARDING DEBTORS' MOTION FOR ENTRY OF AN ORDER (A) APPROVING  
THE ADEQUACY OF THE DISCLOSURE STATEMENT AND SOLICITATION  
PROCEDURES, (B) SCHEDULING A HEARING ON CONFIRMATION OF THE  
PLAN, (C) ESTABLISHING PROCEDURES FOR OBJECTING TO THE PLAN, (D)  
APPROVING THE FORM, MANNER, AND SUFFICIENCY OF NOTICE OF THE  
CONFIRMATION HEARING, AND (E) GRANTING RELATED RELIEF**

The Official Committee of Unsecured Creditors (the “Committee”) of Foresight Energy LP, *et al.* (collectively, the “Debtors”), hereby files this response (the “Response”) with respect to the *Debtors’ Motion for Entry of an Order (A) Approving the Adequacy of the Disclosure Statement and Solicitation Procedures, (B) Scheduling a Hearing on Confirmation of the Plan, (C) Establishing Procedures for Objecting to the Plan, (D) Approving the Form, Manner, and Sufficiency of Notice of the Confirmation Hearing, and (E) Granting Related Relief* [Docket No. 270] (the “Disclosure Statement Motion”),<sup>1</sup> and respectfully states as follows:

**Response of the Committee**

1. The Committee has significant concerns with the Plan as currently proposed, and continues to negotiate with the Debtor with respect to several Plan provisions necessary for the Plan to receive the Committee’s support and, in the Committee’s view, be confirmable under 11

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Disclosure Statement Motion.

U.S.C. § 1129. The Committee also continues to negotiate with the Debtors regarding the Plan's proposed economic treatment of allowed claims of general unsecured creditors, which remains subject to dispute as of the date of this Response. In addition, the Committee is investigating both whether the secured claims asserted by the First Lien Lenders and the Second Lien Noteholders (the "Asserted Liens") are valid and not subject to any challenge or defense, and whether the Debtors have valuable claims and causes of action that could be brought against certain affiliates, insiders, directors and officers, and other parties related to the Debtors (together, the "Creditor Claims"). Therefore, the Committee reserves all rights regarding the Asserted Liens and Creditor Claims.

2. The Committee has requested that the Debtors include specific language in the Disclosure Statement (the "Committee Statement") which describes the Committee's investigation of the Asserted Liens and the potential Committee Claims. In essence, the Committee Statement informs creditors that due to the ongoing discussions with the Debtors and pending Committee investigations, the Committee is not yet in a position to determine whether it believes that the Plan is in the best interest of unsecured creditors. In addition, the Committee also has requested several other necessary changes to the Plan and Disclosure Statement.

3. Accordingly, subject to (i) the inclusion of the Committee Statement in the amended Disclosure Statement, and (ii) the Committee's review and approval of any further changes that may be made by the Debtors to the Disclosure Statement, the Committee does not object to the sufficiency of the Disclosure Statement or to the entry of an order approving the Disclosure Statement Motion, and reserves all rights with respect to the confirmation of the Plan.

Dated: May 8, 2020

Respectfully submitted,

THE OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS OF FORESIGHT ENERGY LP,  
*ET AL.*

By:/s/ *J. Talbot Sant, Jr.* \_\_\_\_\_

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